

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 In re PHILLIP O. EMIABATA,

11 Appellant,

12 v.

13 SPECIALIZED LOAN SERVICING,  
14 LLC, and AVAIL 1 LLC,

15 Appellees.

CASE NO. C17-1752MJP

ORDER OF DISMISSAL

16 This appeal from the Bankruptcy Court was received on November 16, 2017. Dkt. No. 1.  
17 On November 30, 2017, Appellant was served with a Notice of Deficiency which identified the  
18 following deficiencies in Appellant's filings:

- 19 1. Filing fee not paid.  
20 2. Appellant Designation of Record not filed.  
21 3. Appellant Statement of Issues not filed.

22 Dkt. No. 6.  
23  
24

1 On December 18, 2017, Appellant filed with the Court a document entitled "Appellant  
2 Designation of Record on Appeal" which designated the dockets of certain other related cases  
3 for the appellate record, and included copies of those dockets as attachments. Dkt. No. 7.

4 Although Appellant has made a number of other filings with this Court, he has failed to  
5 (1) pay a filing fee or (2) file a Statement of Issues on Appeal. On March 30, 2018, this Court  
6 issued an Order to Show Cause to Appellant, directing him to show cause by April 13, 2018 as to  
7 why this matter should not be dismissed for failure to correct the above-mentioned deficiencies.  
8 When Appellant failed to either pay his filing fee, file a Statement of Issues on Appeal, or  
9 demonstrate good cause why he had not done so, his matter was dismissed. (Dkt. No. 23.)

10 The case was reopened when Appellant complained that he had not received the OSC in  
11 time to respond and had tried to file a "Motion for Enlargement of Time" to correct the  
12 deficiencies noted by the Court. (Dkt. Nos. 26, 27.) In the order reopening the case, Appellant  
13 was given 21 days from the date of the entry of the order to correct the above-noted deficiencies.  
14 (Dkt. No. 32.) The record reflects a Return Receipt from the U.S. Postal Service indicating that  
15 Appellant signed for receipt of a copy of the order on June 19, 2018. (Dkt. No. 33.)

16 As of this date, Appellant has failed to pay his filing fee, file a Statement of Issues on  
17 Appeal or otherwise demonstrate good cause why his matter should not be dismissed.  
18 Wherefore,

19 IT IS ORDERED that the above-entitled matter is DISMISSED without prejudice for  
20 Appellant's failure to pay a filing fee or file a Statement of Issues on Appeal as directed by this  
21 Court.

22 The clerk is ordered to provide copies of this order to Appellant and to all counsel.

23 Dated this 9th day of July, 2018.

24 

Marsha J. Pechman  
United States District Judge